

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

ZACHARY J. SMITH,

Plaintiff,

v.

JOSEPH FITZPATRICK, Commissioner of
Maine Department of Corrections, *et al.*,

Defendants.

CIVIL NO. 18-cv-00288-NT

SUPPLEMENTAL DECLARATION OF ZACHARY J. SMITH

Pursuant to 28 U.S.C. § 1746, I, Zachary Smith, declare as follows:

1. I understand that Alison Willette, R.N., an employee of Katahdin Valley Health Center and medical provider at the Aroostook County Jail, has provided a declaration regarding my 10-day detention at Aroostook County Jail. Specifically, she states that she reviewed my medical file and, on at least one occasion, personally met with me during my 10-day detention in Aroostook County Jail. Willette Decl., ECF No. 21-6 at ¶¶ 12-13, 16-17.

2. According to Nurse Willette, Aroostook County Jail employs “the widely-recognized Clinical Opiate Withdrawal Scale (COWS)” as the protocol to follow when an inmate is at risk for withdrawal from any substance. Willette Decl., ECF No. 21-6 at ¶¶ 5-6. Exhibit 2 to her declaration describes that “[i]f documented opioid use is found on entry, . . . then the medical department will initiate the following protocol,” including completing the COWS form “*daily, until 7 days following reported last use of opiate medication.*” *Id.* at Exhibit 2 (emphasis added). The COWS form includes questions

regarding the patient's resting pulse rate, degree of sweating, restlessness, gastrointestinal upset, anxiety or irritability, and other criteria.

3. Although the COWS evaluation is supposed to be performed "daily" for seven days, I do not recall any medical or correctional staff performing the COWS evaluation during my ten days at the Aroostook County Jail.

4. Nurse Willette states that she understands that I am "currently prescribed suboxone[.]" Willette Decl. at ¶ 12. In fact, I am prescribed buprenorphine.

5. Also according to Nurse Willette, "[a]t no time during" during my incarceration did she "observe any adverse outcomes from having the Clonazepam tapered or the suboxone stopped, and Mr. Smith made no further complaints or reports to medical staff for the remainder of his incarceration." Willette Decl., ECF No. 21-6 at ¶ 18.

6. Despite complaining about withdrawal and asking for my medications, including buprenorphine, I did not file a separate medical request regarding withdrawal from buprenorphine because I assumed it would be pointless given the jail's stated policy of prohibiting that medication. Nonetheless, I did experience serious withdrawal symptoms, as described in my prior declaration. Specifically, couldn't get out of bed and every movement felt like I was lifting thousands of pounds. I had severe gastro-intestinal distress and diarrhea and associated pain. I was unable to eat most of the time because of extreme nausea and exhaustion. I also suffered back pain from my scoliosis and two herniated discs. Despite remaining on other medication, I experienced anxiety and depression.

7. I believe that I am in a better position to evaluate the severity of my withdrawal symptoms than Nurse Willette, who spent only a few moments with me over the course of my 10 days of detention and did not review my symptoms under the COWS protocol.

8. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 31, 2018

/s/ Zachary J. Smith
Zachary J. Smith